

## CENTRAL BUCKS REGIONAL POLICE COMMISSION

### Minutes

April 27, 2017

The monthly meeting of the Central Bucks Regional Police Commission was called to order by Chairman John Abbott at 7:30 PM. All Commission members were present. Also present were Chief James Donnelly, Captain Karl Knott, Mr. David Sander, Ms. Sandra Zadell, Mr. Sam Bryant, and Mr. John Davis. Ms. Marilyn Becker led the Pledge of Allegiance.

**CHANGES, ADDITIONS, DELETIONS TO THE AGENDA:** Agenda additions were requested by Chief James Donnelly to include under the Budget discussion: BWC Server Software, Vehicle Repair 28-6, and Asset Sales Update. A motion was made by Mr. Ron Strouse to include the additional agenda items; seconded by Mr. David Holewinski. Motion approved.

**CONSENT:** A motion was made by Mr. Strouse to dispense with the reading of the minutes from March 27, 2017 Commission meeting and approval to disburse \$155,171.98 from the general fund to pay invoices from March 25, 2017 to April 21, 2017; seconded by Mr. Peter LaMontagne. Motion approved.

**EXECUTIVE SESSION:** At 7:33 PM, the Police Commission meeting adjourned to Executive Session to discuss Personnel matters including PBA proposed settlement of grievances, retirement of Captain Patrick Penecale, and potential for hiring new officers. The Executive Session ended at 8:09 PM and the public session reconvened at 8:15 PM.

### **SPECIAL ITEMS:**

***Hiring Full-Time Police Officer*** – Chief Donnelly introduced the Police Officer candidates to the Commission and gave a brief description of their qualifications. A motion was made by Mr. Strouse to hire Jeff Watson as a full-time Police Officer; seconded by Mr. Holewinski. Motion approved unanimously by roll call vote 6-0. Mr. Watson was sworn in as a full-time police officer.

***Captain of Professional Standards Position*** – The Commission discussed, at length, the current open position of Captain of Professional Standards (Capt/PS) as a result of Captain Penecale's resignation earlier in the month. Discussion revolved around the number of PBA and non-PBA positions, job descriptions, short-term and long-term plans, the current plan including appointment of Acting Captain, and the impact on other positions if job responsibilities of the Capt/PS were absorbed.

The views were varied and recorded as follows:

Mr. Strouse does not feel there is sufficient information about both positions available to the Commission to discuss at the moment. He further stated this decision could have a significant impact on the organization and suggested this is an opportunity to have a conversation in the near future with Chief Donnelly and Captain Knott's weighing in.

Mr. Det Ansinn stated these positions were not created specifically for Captains Penecale and Knott and further questioned if another position should retire, does the Commission do away with that position as well? The Commission approved the organization and the two Captains addressing different aspects of Department functions. Reality dictates that very shortly a new Police Chief will be hired and that person may have different ideas of how the organization should be run. In a

small Department, there is a need to keep a logical place to progress. The Commission had approved the organization and two Captains addressing different aspects of department functions. Captain Penecale's retirement does not promote restructure.

Mr. John Engle stated that part of the terms when the regional department expanded to include Chalfont was that no one would lose their position. The organization made the positions of two Captains to make room for existing people. However, in dealing with a union situation and possible changes in the future, the Detective Sergeant position is on the books and if he is promoted then the position has to be filled. Mr. Engle suggested expanding Captain Knott's duties to fulfill both Captains' positions temporarily and have the Detective Sergeant stay in his position. This provides directed supervision of the Detectives and keeps the number of union positions the same. Mr. Det Ansinn's response to Mr. Engle was to increase Captain Knott's salary as the scope of his job would be expanding.

Chief Donnelly expressed concern regarding internal affairs investigations which is currently handled by the Capt/PS. He explained the process is very complicated, takes a lot of time, and, if not done correctly, will open the department to potential liabilities. As a result of an internal investigation, if the Department did something wrong, every piece of paper would have to be reviewed to ensure the investigation was performed correctly. This process would be very difficult to incorporate into Captain Knott's already full position.

Mr. Holewinski voiced to the Commission that some time ago Chief Donnelly and he discussed changing the position of Captain to that of a Business Manager/Treasurer with some of the Capt/PS responsibilities. He continued to say there is an opportunity to do this now, hire a Business Manager to do the business of the department and internal affairs.

Chief Donnelly explained that a civilian cannot do internal affairs. He further stated the topic of business manager needs further exploration. The department currently has a financial expert and the department uses her. Regarding internal affairs, a person must be Act 120 certified in order to be a Captain in the police department. To have a business person come in and be a police officer is not possible unless they go through the police academy. One of the requirements to be a Captain is years of experience as a police officer. The internal affairs process done by a professional police department needs to be investigated by a qualified law enforcement officer. These investigations include complaints against police where the Captain notifies the officer that they are under investigation, warned of their rights, and a statement is taken. The Detective Sergeant would assist the Captain in the process.

Ms. Marilyn Becker said there is a lot to be considered and the Commission needs time before making a decision.

Mr. Peter LaMontagne agrees with Mr. Holewinski in hiring a business manager vs replacing a Captain. He further stated that he didn't understand why the department can't leave the position

vacant. He also suggested that retired police officers or a consultant can do internal affairs.

Ms. Robyne Kelemen asked if the department maintains an Acting Captain, is there a period of time where it becomes a contract issue? Chief Donnelly responded that there is nothing in the contract that covers that issue. The only requirement is that you make an active position, the Department is required to compensate for that position.

Mr. David Sanders replied that it would only be a contract issue if you filled the position of Det/Sgt currently occupied by the A/Captain.

Ms. Kelemen stated there is a lot to consider with job descriptions and the organization chart and that it needs rapid attention.

Ms. Becker suggested waiting for a new Police Chief. She was under the impression that the Captain position was made to accommodate incoming Chalfont members. She said now is the chance to do something and save some money and re-write the job descriptions.

Mr. Jack O'Brien pointed out the job descriptions for both Captains appear to be mostly identical and hard to distinguish; although internal affairs and specific responsibilities were delineated on the Capt/PS position. The internal affairs investigation responsibility should not be in the same chain of command where the bulk of officers are. Mr. O'Brien stated that you cannot bring in a civilian to replace the Capt/PS position.

Mr. Ron Strouse explained there was no downside to having an acting position for the next 30 days or so, until the Commission can develop a robust understanding of what's possible and what is not possible, business manager, etc. An analysis of benefits of the structure and the opportunity for change should be explored. In reality, the Commission has only known about this opening for less than a week. This requires thoughtful process and research is needed; making a decision prior to that would not be appropriate.

At this point in the meeting, Mr. Det Ansinn needed to leave due to a prior commitment.

Mr. Abbott asked Captain Knott and the Borough Managers to provide their input.

Captain Knott said he could absorb the work of Capt/PS, however, it would be a lot of work. Internal affairs investigations are extremely time consuming. He currently drops whatever he is working on to serve the Boroughs' needs. Taking on internal investigations would bog down the existing Captain position pretty extensively. One option is to have the Detectives do internal affairs and have the Captain oversee the Detectives. Captain Knott assured the Commission that he will honor whatever

decision is made. He pointed out that moving the Det/Sgt to A/Capt did not create a big hole in the detectives division as the position is housed in Chalfont with the Detectives. The A/Capt, Captain Knott and Chief Donnelly meet each morning for a daily briefing. Captain Knott stressed it is set up this way to be seamless.

Chief Donnelly gave an account of the preceding Saturday where he and Captain Knott both worked a detail for a demonstration in Doylestown Borough. Captain Knott set up the detail as Patrol Captain, escorted demonstrators, closed streets and assisted in dispersing the crowd from 8:30 AM to 2:00 PM. Captain Knott returned to work at 8:00 PM to work with the PA Liquor Control Board agents as A-Day activities typically brought increased activity into the liquor establishment area. In an average month, there are six to seven meetings at night requiring the attendance of either Chief or Captain. In an average week, Captain Knott has put in 40 hours by Wednesday. To his credit, he's doing a great job and should be recognized by the three municipalities as doing so. Adding additional responsibilities to his existing workload would be difficult; however, the department will follow the direction of the Commission.

Ms. Sandra Zadell inquired if it is possible for the Det/Sgt to take on internal investigations with Captain Knott supervising? Chief Donnelly responded, the way the job description is set up, the Det/Sgt would assist the Captain in doing the investigations. It's an additional duty not in his job description. Part of the Det/Sgt job description includes working with Chief Donnelly on policies and meeting accreditation standards, supervising Detectives and doing criminal investigations.

Mr. John Davis stated the Commission needs time which is available. The financial implications are known, but don't know enough about the job descriptions. The Commission has to allow Chief Donnelly and Captain Knott to make their case. New Britain's proposal should be thought about in terms of job descriptions. Everybody agrees the department is short handed in terms of white-collar administration, whether it be clerical or financial. This is an opportunity to eliminate a position or to have that position or something in the middle. The key is job descriptions.

Mr. Sam Bryant said he would have liked more time to have known about Captain Penecale's retirement. He continued, before Chalfont joined the regional department, there was a Chief and a Lieutenant. He inquired what had changed since then. Mr. Bryant is a proponent of a civilian business manager position.

Chief Donnelly offered to further define job descriptions and the function of the Internal Affairs unit. He suggested looking at other departments; however, admittedly, the complication lies in comparing a singular department with a regionalized department. Chief stated the department is in the

first stages of regionalization and along with it comes some growing pains and it's important that we get it right in order to build a professional police department with a good reputation. Chief Donnelly is not opposed to a business manager, however, that person should not be in the chain of command and making decisions. Chief Donnelly's goal is to save as much money as possible and to also have a professional police department.

Commission members agreed that Chief Donnelly, Captain Knott, and the Borough Managers would examine the current structure and alternatives and report back to the Commission. A special meeting will be called during the month of June to address the matter. Mr. Sanders instructed advertising for a special meeting or a work session would be required at least 24 hours prior. The Commission further agreed to allow the Acting Captain position to remain until a decision is made.

**MONTHLY REPORTS AND ACTION ITEMS:**

***Budget Report*** – Chief Donnelly reported expenses for March 2017 were \$1,270,085.62 or 23.65% of the annual budget.

***BWC Server Software*** – The BWC server is in need of additional software to run properly. The cost of the software is \$4,600. Chief Donnelly explained this was an unexpected cost and was not anticipated in the 2017 Budget. He further stated the anticipated purchase of an additional LPR was not going to take place this year due to an increase in cost. A motion was made by Mr. Strouse to use funds from the LPR budget line item to pay for the BWC software; seconded by Mr. Holewinski. Motion approved.

***Vehicle Repair 28-6*** – Patrol vehicle 28-6, Ford Expedition, is currently out of service due to needed repairs. Chief Donnelly explained the vehicle needs two new converters and a new transmission for a total cost of \$6,000. This vehicle has 93,000 miles and has been used by one officer on patrol and to transport scales for weighing trucks. To date, CBRPD has spent 50% of its vehicle maintenance budget. Chief Donnelly suggested converting an existing trailer to transport the scales and not repair the Ford Expedition. A motion was made by Mr. Abbott to convert the trailer for transporting scales in the amount of \$2,500; seconded by Mr. O'Brien. Motion approved.

***Asset Sales Update*** – Chief Donnelly reported a second vehicle (with crushed door) was sold in the amount of \$2,250. The first vehicle sold this year was in the amount of \$2,150. He further reported the portable radios that are no longer in use were sold for \$795. Aggregate total assets sold this year to date were \$5,195.

***Monthly Activity Report*** – Chief Donnelly reported 2,155 incidents for March (CB-486; DB-1272; NBB-397); reportable accidents totaled 11 (CB-2; DB-5; NBB-4); total Part I Crimes 11 (CB-1; DB-6, NBB-

4); and total Part II Crimes totaled 48 (CB-7; DB-37; NBB-4). Chief Donnelly reported on the Monday preceding the Commission meeting there was a Burglary and 12 thefts from vehicles in Doylestown Borough. He praised the officers who persevered and apprehended the suspect within hours of the events. These officers will receive commendations at the next Commission meeting.

**Quarterly Activity Report** – A new report was presented to the Commission comparing first quarter 2016 to first quarter 2017. The findings showed a 55% increase in incidents as a result of proactive patrols/details and enforcements. The crime comparison showed a 6% overall decrease in crime. Notwithstanding that decrease, New Britain Borough did experience an increase in Part I crimes. There has been no change in Reportable accidents and an overall 20% increase in Non-Reportable accidents.

**Grant Funding Report** – Grant funds reimbursement received during the month of March totaled \$11,908.60 representing BWC reimbursement of \$7,245.00 and PA Liquor Control Board Underage Drinking overtime funds of \$4,663.60. The PLCB Underage Drinking grant application was filed on March 31, 2017. Notice of awards are anticipated during the month of May. This is a two-year grant scheduled to begin July 2017.

**Finance Committee Report** – The Finance Committee did not meet during the month of March due to lack of agenda. The next meeting is scheduled for May 18, 2017. Mr. Strouse explained the May meeting agenda will include a line by line review of the budget and a quarterly review of the pension. MMO will be discussed in September. Mr. Strouse encouraged members to provide any additional agenda items to him at least one week prior to the meeting.

**Police Chief Search Committee Report** – The Police Chief Search Committee did not meet during the month of March. Mr. O’Brien reported the contract was executed and received by the PA Chiefs of Police Association. The Commission discussed the verbiage for advertising the position. One change was noted in paragraph 2, line 1, to read “strong leadership, along with the management...”

**OLD BUSINESS:**

**Civil Demonstration Ordinance Update** – Chief Donnelly explained that he and Mr. Davis met with the Doylestown Borough solicitor to review the proposed civil demonstration ordinance. The ordinance will be sent to each Borough for their review. If approved, each Borough would need to advertise the ordinance; at which time the Commission may then adopt the ordinance.

**Operation Plan and After Action Report** – Captain Knott presented the After Action report following the March for Science event that took place in Doylestown Borough on April 22, 2017. The public demonstration had an expected attendance of over 800 participants. All contingencies were addressed in the interest of public safety which provided an incident-free event. Police assistance was provided by Hilltown Township, New Britain Township, New Hope Borough, and Warminster Township

with police service costs being absorbed by the individual departments. Captain Knott presented BWC pictures of the event as well as social media pictures and positive comments.

**Other – Resident meeting regarding ICE presence** – Chief Donnelly reported that he and Captain Knott met with Ms. Leslie Richards and approximately ten other residents of Doylestown Borough who had questions about the ACLU and how the CBRPD was handling adopting their proposals. Chief Donnelly explained CBRPD will not be adopting the proposal and will not enforce federal laws as it is outside of CBRPD’s purview. Likewise, he further stated, if we are required to contact ICE, we will do so.

**NEW BUSINESS:** N/A

**PUBLIC COMMENT:** None.

**ADJOURNMENT:** A motion was made by Mr. Holewinski to adjourn the meeting at 10:10 PM; seconded by Mr. Strouse. Motion approved.

Respectfully submitted,

James Donnelly  
Chief of Police